

Recommendation Report for Planning Permission

REF NO: WA/30/20/PL

LOCATION: Spindlewood
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Demolition of existing dwelling & erection of 8 No. dwellings with associated landscaping, parking & works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The demolition of the existing dwelling and the construction of 8 x 3 bed semi detached houses with associated parking, landscaping and amenity space.
SITE AREA	3613 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees on site where concern has been raised by the tree officer that they have not been identified on the submitted plans.
BOUNDARY TREATMENT	2m high fencing along north and south boundaries. Low walling to front boundary.
SITE CHARACTERISTICS	The application site comprises a detached bungalow with gardens predominantly to the south side. The site is flat and there are trees mainly along the site boundary with Yapton Lane and within the southern side of the site.
CHARACTER OF LOCALITY	The area is rural in character on the main road, B 2132 Yapton Lane, between Yapton and Walberton. There is linear development particularly on the west side of the road with sporadic neighbouring properties and some plant nurseries. On the east side of Yapton Lane are open agricultural fields beyond border hedges.

RELEVANT SITE HISTORY

WA/33/18/OUT	Outline application with some matters reserved for the demolition of existing dwelling & erection of 5 No. dwellings. This application is a Departure from the Development Plan.	Refused 04-09-18
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REPRESENTATIONS

Walberton Parish Council

Objection:

- Site not selected nor recommended for the revised Neighbourhood Development Plan.
- Site outside built up area boundary not suitable for allocation.
- Lack of safe pedestrian access.
- Density and 2.5 stories inappropriate, out of keeping with the area.

1 letter in support of development:

- Moderate size site allow character of village to develop.
- 2 good footpaths adjacent providing good access to village
- Site to south demonstrates that site in the area appropriate.

1 letter of No objection:

- Line of conifers should be preserved.
- Visibility splays for development should not compromise access to Tokar Industrial Estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - pre-commencement conditions required to ensure the development is adequately drained and does not increase flood risk elsewhere.

Southern Water - No objection.

WSCC Highways - No objection subject to conditions.

CDC Ecology - No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions.

ADC Tree Officer - In the absence of any information relating to trees on site a refusal of the application is recommended.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

OUTS BUILT AREA

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
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SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Policies in the Walberton Parish Neighbourhood Plan have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that it would be out of character in the local area, would unacceptably harm levels of neighbouring residential amenity and would result in greater car travel.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the Built-Up Area Boundary in the Countryside, where the principle of development is considered unacceptable if it does not meet specific tests. Development Plan policies seek to exert a strict control over new development in the countryside to protect its intrinsic character and beauty.

Policy C SP1 of the Arun Local Plan states that outside the Built-Up Area boundaries land will be defined as Countryside and development will only be permitted in the countryside where the criteria set out in policy C SP1 is met, or there is a strong justification for a countryside location.

The Council is currently unable to demonstrate a 5 year housing land supply; the current data confirms that the Council has a 2.7 years housing land supply. Where the development plan is absent, silent or the relevant policies are out of date, Paragraph 11(d) of the NPPF applies and the 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment

The site is in walking and cycling distance of a range of local shops and education facilities. It is at a distance of 850 metres from the closest service, a local shop, which is considered to be within walking/cycling distance. In addition the local primary school is within 1400 metres of the site which again is considered within walking/cycling distance. There is however no footpath nor streetlights along the roadside for a substantial distance of the way toward Walberton village centre which makes the location dependant on motorised forms of transport and therefore not a sustainable location.

The pattern/design of development is not in keeping with the character and appearance of the locality.

Social

The proposal supports the local community by providing 8 new homes.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the payment of CIL contributions for local infrastructure; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services.

Assessment of Sustainable Development

The proposal has clear social and economic benefits. The impact on the the environment is

unacceptable for the reasons set out in full below in the character and design section of this report.

As such the proposal would be socially and economically sustainable but not environmentally sustainable and would not benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development is contrary to policies in the development plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

However, for the reasons above the NPPF paragraph 11 d) ii applies and the development is considered to be unsustainable and not acceptable in principle.

CHARACTER & DESIGN

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy seeks to improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HP11 of the Walberton Neighbourhood Plan (WNP) seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

It is also necessary to consider the guidance within the National Planning Policy Framework.

Section 12 paragraph 127 states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...'

The existing character of this section of Yapton Lane is derived from sporadically located, ribbon like pattern of single dwellings fronting Yapton Lane. These are interspersed with plant nurseries. The amount/density of development on the site and the orientation and layout of the proposed development would not accord with the general pattern of development along Yapton Lane. The proposal would therefore result in the character of the area being unacceptably affected.

Aruns Design Guide at section J states that new development should reflect the architectural qualities of the surrounding area which this development fails to do.

It is therefore considered that the proposal would not be in accordance with policy D DM1 (1) and D SP1 of the ALP, policy HP11 & HP13 of the WNP and paragraphs 127 (c) and 130 of the National Planning

Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

In this case the nearest neighbouring residential property is Rosewood some 45m south of the property Spindlewood. To the north are allotment gardens and open countryside beyond that.

There are two house types proposed, cottage and barn. The barn house type would form two semi detached dwellings which would have an unacceptable relationship to each other in that the south elevation gable end of barn (dwelling no.2) would have primary full length windows within 6 metres of the gable end of the other barn semi detached property (Dwelling no.3) resulting in an unacceptable loss of light and overbearing impact on those windows. The windows would overlook the side garden of dwelling barn no.3.

The residential amenity of the other dwellings on the site is broadly acceptable.

It is therefore considered that the proposal would not be in accordance with policy D DM1 of the Arun Local Plan with respect to residential amenity

HIGHWAY SAFETY, & PARKING

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which seeks to refuse development only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by WSCC Highways. Following the submission of supplementary plans WSCC advice that it is satisfied with the proposed access and associated visibility splays.

The scheme provides 3 car parking spaces per dwelling which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The application site is located well away from Walberton village centre where the local school and other community facilities are to be found. As the local environment of the site is devoid of any public pavements and street lighting the development will result in a greater use of the car as the area does not lend itself to walking and bicycle use. This is contrary to policy T SP1 as it the proposed development fails to give priority to pedestrian and cycle movements and does not create safe and secure layouts for cyclists and pedestrians. For this reason the proposal is considered to be contrary to part f) ii) and iii) of policy T SP1.

TREES

Concern has been raised by the Council's tree officer that the site has not been properly surveyed for trees and without such a survey he cannot comment on the acceptability of the proposal in regards to impact on trees. The application does not provide a tree survey to indicate that the development proposal will not lead to the loss of valuable trees. As a result the proposal is unacceptable on tree grounds and policy ENV DM4 of the ALP and policy VE3 of the Walberton Neighbourhood Development Plan.

SUMMARY

The proposed development is contrary to Development Plan policy for the reasons stated above and is recommended for refusal for the following reasons:

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area outside the village of Walberton where the proposal for unrestricted residential development is contrary to policy C SP1 of the Arun Local Plan in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted.

The amount/density of development on the site and the orientation and layout of the proposed development would not accord with the general pattern of development along Yapton Lane. The proposal would therefore result in the character and appearance of the area being unacceptably affected contrary to policies D DM1, D SP1 and QE SP1 of the Arun Local Plan and policies HP11 & HP13 of the Walberton Neighbourhood Plan.
- 2 The south elevation gable end of barn no.2 would have primary full length windows within 6 metres of the north gable end windows of barn no.3 which, at such close proximity, would

cause unacceptable overlooking and an overbearing impact on those windows. The windows on the south elevation gable end of barn no.2 would also overlook the rear garden of barn no.3 causing an unacceptable loss of privacy on the use of that garden contrary to policies D DM1 and QE SP1 of the Arun Local Plan.

- 3 The proposal is not accompanied by an accurate tree survey and may therefore result in the loss of tree/trees important in the local landscape that could be made subject to a Tree Preservation Order. The proposal would therefore be contrary to policy ENV DM4 of the Arun Local Plan and policy VE3 of the Walberton Neighbourhood Development Plan.
- 4 The proposal would result in the increased use of travel by the motor car as the local area is not safe for pedestrian and cycle movements contrary to policy T SP1 of the Arun Local Plan.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.